

To: CN=Scott McDonald/OU=R6/O=USEPA/C=US@EPA[]
Cc: CN=Andrew Stewart/OU=DC/O=USEPA/C=US@EPA;CN=Chris Lister/OU=R6/O=USEPA/C=US@EPA;CN=Jerry Saunders/OU=R6/O=USEPA/C=US@EPA;CN=Russell Murdock/OU=R6/O=USEPA/C=US@EPA;CN=Shannon Vallance/OU=R6/O=USEPA/C=US@EPA;CN=Tucker Henson/OU=R6/O=USEPA/C=US@EPA;CN=Willie Lane/OU=R6/O=USEPA/C=US@EPA[]; N=Chris Lister/OU=R6/O=USEPA/C=US@EPA;CN=Jerry Saunders/OU=R6/O=USEPA/C=US@EPA;CN=Russell Murdock/OU=R6/O=USEPA/C=US@EPA;CN=Shannon Vallance/OU=R6/O=USEPA/C=US@EPA;CN=Tucker Henson/OU=R6/O=USEPA/C=US@EPA;CN=Willie Lane/OU=R6/O=USEPA/C=US@EPA[]; N=Jerry Saunders/OU=R6/O=USEPA/C=US@EPA;CN=Russell Murdock/OU=R6/O=USEPA/C=US@EPA;CN=Shannon Vallance/OU=R6/O=USEPA/C=US@EPA;CN=Tucker Henson/OU=R6/O=USEPA/C=US@EPA;CN=Willie Lane/OU=R6/O=USEPA/C=US@EPA[]; N=Russell Murdock/OU=R6/O=USEPA/C=US@EPA;CN=Shannon Vallance/OU=R6/O=USEPA/C=US@EPA;CN=Tucker Henson/OU=R6/O=USEPA/C=US@EPA;CN=Willie Lane/OU=R6/O=USEPA/C=US@EPA[]; N=Shannon Vallance/OU=R6/O=USEPA/C=US@EPA;CN=Tucker Henson/OU=R6/O=USEPA/C=US@EPA;CN=Willie Lane/OU=R6/O=USEPA/C=US@EPA[]; N=Tucker Henson/OU=R6/O=USEPA/C=US@EPA;CN=Willie Lane/OU=R6/O=USEPA/C=US@EPA[]; N=Willie Lane/OU=R6/O=USEPA/C=US@EPA[]
From: CN=Richard Albores/OU=DC/O=USEPA/C=US
Sent: Mon 10/22/2012 6:41:13 PM
Subject: Re: Fw: HYDRAULIC FRACTURING:Industry slams EPA for 'flawed' Pavillion method
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Yep. Did you see this one?

<http://www.eenews.net/energywire/2012/10/22/1>

Armendariz sticks by Range water pollution charge

Mike Soraghan, E&E reporter

Published: Monday, October 22, 2012

LUBBOCK, Texas -- The former U.S. EPA official who accused Range Resources Corp. of contaminating drinking water near Fort Worth said Saturday he still believes the company's gas drilling operation fouled the well, even though the federal government dropped the case.

But Al Armendariz, the regional administrator who resigned a month after the case was dropped, said he made the decision to withdraw the case because it was bogged down in the courts.

"The best available data that I was presented by my staff indicated that that driller's natural gas was ending up in a private drinking water well," Armendariz said. "I've not seen, and when I withdrew our enforcement action I didn't see, anything to the contrary."

Answering questions in an appearance at the annual conference of the Society of Environmental Journalists, he continued, "But we do live in a very litigious society. It had been in court for more than a year going on two.

"I felt a better course of action would be to talk to Range about a potential settlement where we would withdraw our enforcement action and they would commit to doing additional monitoring in Parker County," he said.

Range spokesman Matt Pitzarella said Armendariz was wrong and that Range's drilling did not

contaminate the well. He said the case was dropped when officials in Washington, D.C., looked at the case and found it unsupportable.

"Much like everything else Dr. Armendariz has said regarding this case, his remarks fly in the face of facts, science and internal documents from Region 6," Pitzarella said. "We're glad that when EPA Headquarters eventually examined this matter, they allowed facts and science to lead to their withdrawal of the order. Dr. Armendariz has proved one thing, however, and that is he's a far better activist than he was regulator."

Armendariz brought the high-profile case in December 2010, as the Dallas-based director for Region 6, which includes Texas and surrounding states. He now works for the Sierra Club on its anti-coal campaign.

He charged that Range had allowed gas from its wells to leak natural gas into two homes in Parker County in the Fort Worth suburbs. He ordered the Houston-based company to fix the problem and supply water to the families.

His emergency order also accused the state oil and gas officials at the Texas Railroad Commission of failing to protect their residents (Greenwire, Dec. 8, 2010).

Range denied the accusations, and the Texas Railroad Commission backed the company.

The case went to federal court, where the agency was represented by Justice Department lawyers. An element of the case went to the 5th U.S. Circuit Court of Appeals, based in New Orleans.

EPA and the Justice Department dropped the case in March, saying they wanted to shift away from litigation to a "joint effort" involving more testing (E&ENews PM, March 30). As part of the settlement, Range agreed to do much of the testing it would have been required to do under the emergency order.

Nevertheless, the industry and its supporters claimed full victory over Armendariz and EPA. They also cast it as a victory for state regulation over federal intrusion (EnergyWire, April 2).

Weeks later, Sen. James Inhofe (R-Okla.) circulated a two-year-old video of remarks Armendariz had made at a town hall meeting. In it, Armendariz compared his strategy of making examples of violators to Roman conquerors' strategy to "crucify" random villagers (E&ENews PM, April 25).

The reversal on Range gave additional significance to the video. Critics of Armendariz cited it as confirmation that he had gone after Range with flawed evidence.

Armendariz apologized for the comments and resigned within a week (Greenwire, April 30).

Armendariz has not spoken widely about the case. The agency's comments about the dismissal came from EPA spokespersons. He remained silent about the dismissal of the case. He skipped a congressional hearing where House Republicans deemed the Range charges "false."

He did tell The Texas Tribune in an interview published in August, "It really did happen the way it was described by the agency. "The agency felt that it would be better to move forward on that matter rather than continuing to litigate it in federal court. And so we withdrew the order and Range agreed to do some more sampling and to send that data to the agency," he said in the question-and-answer-style interview.

His comments Saturday indicated more strongly than previously that he had made the decision, rather than attorneys at the Justice Department or officials in the Obama White House, where natural gas drilling is popular.

"It was mine," he said of the decision.

He noted that he has not seen any of the results of the testing that Range agreed to do under the settlement. EPA has not released any of the data Range has collected and provided under the settlement.

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Date: 10/22/2012 01:19 PM

Subject: Fw: HYDRAULIC FRACTURING:Industry slams EPA for 'flawed' Pavillion method

FYI: not sure if you'all saw this...

----- Forwarded by Scott McDonald/R6/USEPA/US on 10/22/2012 12:18 PM -----

From: Ruben Casso/R6/USEPA/US  
To: Michael Overbay/R6/USEPA/US@EPA, Philip Dellinger/R6/USEPA/US@EPA, Rob Lawrence <rdldallas@yahoo.com>, Scott McDonald/R6/USEPA/US@EPA  
Date: 10/22/2012 07:59 AM  
Subject: HYDRAULIC FRACTURING:Industry slams EPA for 'flawed' Pavillion method

HYDRAULIC FRACTURING:Industry slams EPA for 'flawed' Pavillion method

Ellen M. Gilmer, E&E reporter

Published: Friday, October 19, 2012

The oil and gas industry's top trade group has joined in the scramble to interpret new data in an ongoing investigation of groundwater contamination and hydraulic fracturing near Pavillion, Wyo.

The American Petroleum Institute's upstream director, Erik Milito, said yesterday that groundwater testing from the U.S. Geological Survey (USGS) is inconsistent with results previously released by U.S. EPA, and that the discrepancy is a signal of flawed EPA practices.

"EPA did not follow a transparent, peer-reviewed process that might have helped guide the agency in the use of proven and tested scientific practices," Milito said in a call with reporters.

Per an agreement with Wyoming officials, USGS released the groundwater testing data last month with no analysis. EPA said the results confirmed that fracking had contaminated groundwater in the Pavillion area, a claim that was promptly disputed by Encana Corp., whose drilling is the subject of the investigation.

The agency announced last week that it was extending the public comment period on the findings to Jan. 15, which will be followed by a peer-review meeting.

The trouble began in 2005, when homeowners near the oil field began complaining about spoiled water. EPA drilled two monitoring wells to investigate and announced last year that it had found frack fluid not in drinking water, but in deep groundwater. But when USGS tried to sample the same two monitoring wells, it could not get data from one because of low flow rates; the agency's "standard practice" is to avoid sampling from low-flow wells. That was MW02, the well where EPA had found high levels of benzene last year (EnergyWire, Oct. 12).

EPA defended its own use of the low-flow well, saying last week that such wells simply require different sampling methods. In the better-functioning well, MW01, USGS did not find xylene, isopropanol, acetone and some other compounds EPA had reported finding in the monitoring well.

Broader impact

API's Milito took criticism of EPA a step further by saying EPA's handling of the Pavillion investigation cast doubt on a nationwide study of fracking's impact on the environment.

"If EPA thinks its investigation at Pavillion has produced scientifically useful information," he said, "then it may proceed in the same inexperienced way at other testing sites, assume it is getting additional useful information and employ that information to justify changes in public policy."

Milito said the Pavillion study was important because its results would help shape public opinion of oil and gas development.

"The industry understands that it must do things right," he said. "We do not object to EPA studying the issue, but a bad study could be counterproductive."

In an emailed statement yesterday, EPA maintained its stance that the new data are "generally consistent" with the monitoring data from last year.

[Click here to read API's review of the USGS data.](#)